

**Notice of Allowability**

Application No.

09/894,661

Examiner

Chieh M. Fan

Applicant(s)

HIGUCHI ET AL

Art Unit

2638

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 2/22/05.
2. ☒ The allowed claim(s) is/are 12,13,15 and 16.
3. ☒ The drawings filed on 28 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/04,02/05,04/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adrian J. Lee on 06/27/05.

The application has been amended as follows:

In the claims:

- a. Claims 11 and 14 have been cancelled.
- b. In claim 12, line 3, "the mobile stations" has been changed to --- mobile stations ---.
- c. In claim 12, line 4, "at a plurality of stations" has been changed to --- at a plurality of base stations ---.
- d. In claim 12, line 11, "correcting a predetermined set target reception error rate according to the mobile station" has been changed to --- correcting the predetermined set target reception error rate according to the predetermined mobile station set at a base station ---.

Art Unit: 2638

- e. In claim 12, line 13, "receiving, in the base station, the spectrum spread signal transmitted from the mobile" has been changed to -- receiving, in the base station, the spectrum spread signal transmitted from the predetermined mobile --.
- f. In claim 12, line 14, "the received signal power and the interference power" has been changed to --- a received signal power and an interference power ---.
- g. In claim 12, lines 16-17, "modulating, the received spectrum spread signal and measuring a reception error rate of the modulated signal" has been changed to --- demodulating, in the base station, the received spectrum spread signal and measuring a reception error rate of the demodulated signal ---.
- h. In claim 12, line 19, "the mobile station" has been changed to --- the predetermined mobile station ---.
- i. In claim 13, line 2, "the step of correcting, the corrected target reception error rate of the mobile station" has been changed to --- the step of correcting the ratio, the corrected target reception error rate of the predetermined mobile station ---.
- j. In claim 13, line 5, "the target received signal power" has been changed to --- the ratio between the target received signal power ---.
- k. In claim 13, line 8, "the target received signal power" has been changed to --- the ratio between the target received signal power ---.
- l. In claim 15, line 3, "the mobile stations" has been changed to --- mobile stations ---.

- m. In claim 15, line 4, "at a plurality of stations" has been changed to --- at a plurality of base stations ---.
- n. In claim 15, lines 12-13, "means for correcting a predetermined set target reception error rate according to the mobile station" has been changed to --- means for correcting the predetermined set target reception error rate according to the predetermined mobile station set at a base station ---.
- o. In claim 15, lines 14-15, "means for receiving, in the base station, the spectrum spread signal transmitted from the mobile station" has been changed to -- means for receiving, in the base station, the spectrum spread signal transmitted from the predetermined mobile station --.
- p. In claim 15, lines 15-16, "the received signal power and the interference power" has been changed to --- a received signal power and an interference power ---.
- q. In claim 15, lines 17-18, "means for modulating, the received spectrum spread signal and measuring a reception error rate of the modulated signal" has been changed to --- means for demodulating, in the base station, the received spectrum spread signal and measuring a reception error rate of the demodulated signal ---.
- r. In claim 15, line 20, "the mobile station" has been changed to --- the predetermined mobile station ---.
- s. In claim 16, line 2, "means for correcting, the corrected target reception error rate of the mobile station" has been changed to --- means for of correcting

the ratio, the corrected target reception error rate of the predetermined mobile station ---.

t. In claim 16, line 5, "the target received signal power" has been changed to --- the ratio between the target received signal power ---.

u. In claim 16, line 8, "the target received signal power" has been changed to --- the ratio between the target received signal power ---.

### ***Statement of Reasons for Allowance***

2. Claims 12, 13, 15 and 16 are allowed. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach that two steps of (or means for) correcting are performed at a higher hierarchy station as well as a lower base station. That is, a target reception error rate is corrected at the higher hierarchy station, and a measured reception error rate is compared with the corrected target reception error rate at the lower base station and thus a target SIR is corrected based on the comparison.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

3. The reference EP 0853393 cited in the IDS filed 12/20/04 has been crossed out because it has been cited in the previously filed IDS dated 4/22/04 and has been considered before.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (571) 272-3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2638

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chieh M Fan  
Primary Examiner  
Art Unit 2638

cmf  
June 27, 2005